

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**No. CV 13-0606 LH/LAM  
CR 11-290 LH**

**LEOPOLDO CASTANEDA,**

**Defendant/Movant.**

**ORDER**

**THIS MATTER** is before the Court on the *United States['] Motion to Continue, Request for Order to Respond as to Hector Cordova, and Motion for Joinder as to Hector Cordova to the Civil Docket (Doc. 4)*, filed July 22, 2013. In its motion, the United States asks the Court to: (1) extend its deadline to respond to Mr. Castaneda's § 2255 motion by 90 days; (2) order the United States to file a response in a different § 2255 case (United States v. Cordova, Civ. No. 13-253 LH/KBM);<sup>1</sup> and (3) join this case with Mr. Cordova's § 2255 case because Mr. Castaneda and Mr. Cordova were co-defendants in the underlying criminal case (Cr. No. 11-290 LH). The Court first notes that this motion was only filed in this case and the underlying criminal case, but was not filed in Mr. Cordova's § 2255 case (Civ. No. 13-253 LH/KBM), so it is likely that Mr. Cordova is unaware of the motion and has not been given an opportunity to respond. In addition, the motion violates D.N.M. Administrative Order 92-88 (May 4, 1992), which prohibits compound pleadings, or "pleadings that raise several

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<sup>1</sup>The Court notes that the undersigned is not the Magistrate Judge in Mr. Cordova's § 2255 case and, therefore, any motion pertaining to that case would necessarily be decided by either the Presiding Judge or the Magistrate Judge assigned to that case.

matters for adjudication in a single document.” The Court cautions counsel for the United States in the future to file its motions for joinder in all of the cases it seeks to join, and to refrain from filing compound pleadings. Despite these deficiencies, in the interests of judicial economy, the Court will rule on the portions of this motion that pertain to this case, but will not rule on the portion of the motion asking for the Court to order the United States to file an answer in Mr. Cordova’s § 2255 case. *See* fn.1, *supra*.

With regard to the United States’ request for the Court to join this case with Mr. Cordova’s § 2255 case (Civ. No. 13-653 LH/KBM), the Court notes that the Magistrate Judge assigned to Mr. Cordova’s § 2255 case has ordered Mr. Cordova to show cause why that case should not be dismissed because his habeas petition appears to be untimely. *See* [Doc. 3], filed in Civ. No. 13-653 LH/KBM. Therefore, the Court declines to consider whether to join Mr. Castaneda’s and Mr. Cordova’s § 2255 cases when it is unclear at this time whether Mr. Cordova’s § 2255 case will go forward. The Court will deny this portion of the motion without prejudice so that, if Mr. Cordova’s § 2255 case does proceed, the United States may file a motion for joinder at that time. Again, if that should occur, the United States shall file such a motion in both cases.

With regard to the United States’ request for an extension of 90 days for the United States to file a response to Mr. Castaneda’s § 2255 motion, the Court finds that the requested amount of time is too long, but the Court will allow the United States an extension of **60 days** to file its response since Mr. Castaneda’s counsel has agreed to that amount of time. *See* [Doc. 4 at 2].

**IT IS THEREFORE ORDERED** that the *United States['] Motion to Continue, Request for Order to Respond as to Hector Cordova, and Motion for Joinder as to Hector Cordova to the*

*Civil Docket* (Doc. 4) is **GRANTED in part** and **DENIED without prejudice in part** as set forth above. The United States shall file its response to Mr. Castaneda's § 2255 motion **by October 12, 2013**.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**